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Filed

JUL 24 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS JOSEPH O'MEARA,

Defendant.

No. CR 10-00562 LHK

STIPULATION AND [PROPOSED]
ORDER CONTINUING DEFENDANT'S
CHANGE OF PLEA

This matter is currently set for change of plea or further status on July 25, 2012 at 9:00 a.m. The parties have reached a disposition in this matter, and anticipate that the defendant will change his plea and plead guilty pursuant to a proposed plea agreement at the next appearance before this Court. The defense has indicated a preference that defendant's change of plea be continued a week so as to take place on Wednesday, August 1, 2012 at 9:00 a.m. On the understanding that August 1st date is convenient for this Court, the government does not object to the defendant's guilty plea taking place on that date. The government would object to the defendant's guilty plea taking place any later than August 1st, and the defense has committed to the government that it will not seek any such continuance.

In light of the above, the parties agree, and the Court finds and holds, as follows:

STIPULATION AND [PROPOSED] ORDER
CR 10-00562 LHK

1. The current July 25, 2012 hearing date is hereby vacated.
2. This matter is set for change of plea on August 1, 2012, at 9:00 a.m.
3. The time between July 25, 2012 and August 1, 2012 is excluded under the Speedy Trial Act. The parties agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

DATED: 7/24/12

/s/
JEANE DEKELVER
Defense Counsel

DATED: 7/24/12

/s/
JOSEPH FAZIOLI
Assistant United States Attorney

IT IS SO ORDERED.

DATED: _____

LUCY H. KOH
UNITED STATES DISTRICT JUDGE

DENIED.

Court will not find excludable time based on calendaring preference of defense. Please explain why continuance is needed and why excludable time should be found. If no excludable time finding is requested, please include a speedy trial calculation in your stipulation. Thank you.

7/24/12

Lucy H. Koh
U.S. District Judge